

**FILED**

JUN 03 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

RENE DE LIVA PALACIOS,

Plaintiff - Appellant,

v.

UNKNOWN NATIONAL CITY POLICE  
OFFICERS,

Defendants - Appellees.

No. 08-55137

D.C. No. CV-07-02115-JAH  
Southern District of California,  
San Diego

ORDER

On May 13, 2008, this court ordered appellant, within 21 days, to pay the filing fees and show cause why the judgment in this appeal should not be summarily affirmed. The order warned appellant that failure to pay the fees and to show cause would result in the automatic dismissal of the appeal by the Clerk of the Court. To date, appellant has not complied with the court's order. The court received appellant's motion to reconsider on May 27, 2008 but the court's May 13, 2008 explicitly stated no motions for reconsideration of the denial of in forma pauperis status would be entertained. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

This order served on the district court shall act as and for the mandate of this court.

**FOR THE COURT:**

Molly Dwyer  
Clerk of Court

By: Lisa Calero  
Motions Attorney/Deputy Clerk  
9th Cir. R. 27-7  
General Orders/Appendix A